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4 **UNITED STATES DISTRICT COURT**  
5 **FOR THE DISTRICT OF MASSACHUSETTS**  
6 **EASTERN DIVISION**

7 Honorable Judge STEARNS

8  
9 DIRECTV, Inc. a California ) Case No. 03 CV 12283 RGS  
10 corporation, )  
11 Plaintiff, )  
12 vs. ) **ANSWER TO COMPLAINT**  
13 TODD FARMER )  
14 Defendant. ) *DEFENDANT TODD FARMER DEMANDS*  
15 ) *TRIAL BY JURY*

16 **ANSWER OF DEFENDANT FARMER**

17 Defendant Todd A. Farmer (also known as Todd Farmer,  
18 Defendant Farmer), acting PRO SE, hereby Answer the complaint  
19 of Direct TV, Inc., and say:  
20

21 **INTRODUCTION:**

22 1. Defendant lacks actual knowledge of allegations set forth  
23 in paragraphs 1 through 15 of the complaint, and  
24 therefore denies same and demands strict proof thereof.  
25

**PARTIES:**

2. Defendant lacks actual knowledge of allegations set forth in paragraph 16 of the complaint, and therefore denies same and demands strict proof thereof.

3. Defendant lacks actual knowledge of allegations set forth in paragraph 17 of the complaint, and therefore denies same and demands strict proof thereof.

4. Defendant lacks actual knowledge of allegations set forth in paragraph 18 of the complaint, and therefore denies same and demands strict proof thereof.

5. Defendant Admits residing in Weymouth, MA. Defendant admits to purchasing 1 unprogrammed Atmel IC Memory Chip DSS-Pro Part Number Su2BS and receiving the part on or about April 19, 2001 Defendant denies the remainder of the allegations set forth in paragraph 19 of the complaint, and therefore denies same and demands strict proof thereof.

6. Defendant lacks actual knowledge of allegations set forth in paragraph 20 of the complaint, and therefore denies same and demands strict proof thereof.

1  
2 7. Defendant denies the allegations set forth in paragraph  
3 21.

4  
5 8. Defendant Admits possessing a satellite dish only.  
6 Defendant denies the remainder of the allegations set  
7 forth in paragraph 22 of the complaint, and therefore  
8 denies same and demands strict proof thereof.

9  
10 9. Defendant lacks actual knowledge of allegations set forth  
11 in paragraph 23 of the complaint, and therefore denies  
12 same and demands strict proof thereof.

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14 **SUBJECT MATTER JURISDICTION:**

15  
16 1. Defendant lacks actual knowledge of allegations set forth  
17 in paragraph 24 of the complaint, and therefore denies  
18 same and demands strict proof thereof.

19 2. Defendant lacks actual knowledge of allegations set forth  
20 in paragraph 25 of the complaint, and therefore denies  
21 same and demands strict proof thereof.

1 **VENUE:**

- 2 1. Paragraph 26 is a legal conclusion of venue which  
3 defendant can neither admit or deny.  
4

5 **COUNT I:**

- 6 1. Defendant denies the allegations set forth in paragraph  
7 27.  
8 2. Defendant denies the allegations set forth in paragraph  
9 28.  
10 3. Defendant denies the allegations set forth in paragraph  
11 29.  
12 4. Defendant denies the allegations set forth in paragraph  
13 30.  
14

15 **COUNT II:**

- 16 1. Defendant denies the allegations set forth in paragraph 31.  
17 2. Defendant lacks actual knowledge of allegations set forth  
18 in paragraph 32 of the complaint, and therefore denies same  
19 and demands strict proof thereof  
20 3. Defendant denies the allegations set forth in paragraph 33.  
21 4. Defendant lacks actual knowledge of allegations set forth  
22 in paragraph 34 of the complaint, and therefore denies same  
23 and demands strict proof thereof.  
24  
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1 5. Defendant lacks actual knowledge of allegations set forth  
2 in paragraph 35 of the complaint, and therefore denies same  
3 and demands strict proof thereof.  
4

5  
6 **COUNT III:**

7 1. Defendant denies the allegations set forth in paragraph  
8 36.

9 2. Defendant denies the allegations set forth in paragraph  
10 37.

11 3. Defendant lacks actual knowledge of allegations set  
12 forth in paragraph 38 of the complaint, and therefore  
13 denies same and demands strict proof thereof.

14 4. Defendant lacks actual knowledge of allegations set  
15 forth in paragraph 39 of the complaint, and therefore  
16 denies same and demands strict proof thereof.

17 5. Defendant denies the allegations set forth in paragraph  
18 40.

19 6. Defendant lacks actual knowledge of allegations set  
20 forth in paragraph 41 of the complaint, and therefore  
21 denies same and demands strict proof thereof.

22 7. Defendant lacks actual knowledge of allegations set  
23 forth in paragraph 42 of the complaint, and therefore  
24 denies same and demands strict proof thereof.  
25

**COUNT IV:**

1. Defendant denies the allegations set forth in paragraph 43.
2. Defendant denies the allegations set forth in paragraph 44.
3. Defendant lacks actual knowledge of allegations set forth in paragraph 45 of the complaint, and therefore denies same and demands strict proof thereof.
4. Defendant lacks actual knowledge of allegations set forth in paragraph 46 of the complaint, and therefore denies same and demands strict proof thereof.
5. Defendant denies the allegations set forth in paragraph 47.
6. Defendant lacks actual knowledge of allegations set forth in paragraph 48 of the complaint, and therefore denies same and demands strict proof thereof.

**WHEREFORE**, this answering defendant prays that Plaintiff take nothing by way of its complaint and that this court declare this action frivolous and without merit.

**Affirmative Defenses**

AS AND FOR A FIRST AND SEPARATE AFFIRMATIVE DEFENSE, this answering defendant asserts that plaintiff has failed to state a claim upon which relief can be granted.

1 AS AND FOR A SECOND AND SEPARATE AFFIRMATIVE DEFENSE,  
2 any and all claims asserted in the complaint are barred by  
3 the relevant statutes of limitations.  
4

5 AS AND FOR A THIRD AND SEPARATE AFFIRMATIVE DEFENSE,  
6 this answering defendant alleges that the plaintiff and  
7 Plaintiff's attorney lacks evidence with which to prosecute  
8 all claims made hereunder and that plaintiff and plaintiffs  
9 attorneys were aware of this fact at the time it brought  
10 the complaint and that the known lack of merit of these  
11 claims, based upon a lack of physical evidence necessary to  
12 prove these claims, should subject them both to sanctions  
13 and penalties under FRCP Rule 11.  
14

15 AS AND FOR A FOURTH AND SEPARATE AFFIRMATIVE DEFENSE,  
16 Plaintiff's claims are barred by estoppel.  
17

18 AS AND FOR A FIFTH AND SEPARATE AFFIRMATIVE DEFENSE,  
19 Plaintiff's claims are barred by its failure and refusal to  
20 mitigate damages.  
21

22 AS AND FOR A SIXTH AND SEPARATE AFFIRMATIVE DEFENSE,  
23 this answering defendant alleges that plaintiff has no  
24 evidence of any wrongdoing and the definitions of "illegal  
25 satellite theft device" or "piracy device" and all other

1 definitions relevant to the statutory violations alleged in  
2 the complaint are not present under the facts as plead or  
3 as they truly exist and that therefore there can be no  
4 satisfaction of the elements required for successful  
5 prosecution under the enumerated federal statutes.

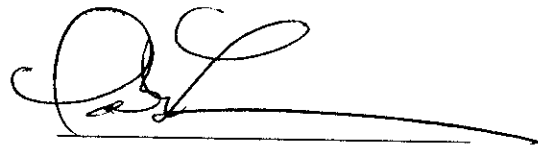
6  
7 AS AND FOR A SEVENTH AND SEPARATE AFFIRMATIVE DEFENSE,  
8 this answering defendant alleges that the "devices" alleged  
9 to have been purchased by this answering defendant, to wit:  
10 "Su2BS Chip" is of industry standard IC Memory Chip for  
11 many different applications and that this device, even if  
12 proven to be possessed or purchased by this answering  
13 defendant do not have as their primary purpose the  
14 surreptitious interception and decryption of satellite  
15 signals. In fact, the devices alleged are not capable of  
16 intercepting or decrypting a satellite signal.

17  
18 AS AND FOR A EIGHTH AND SEPARATE AFFIRMATIVE DEFENSE,  
19 this answering defendant alleges that an actual controversy  
20 has arisen and now exists between the parties in that  
21 Plaintiff contends that purchases made by defendant were  
22 violative of federal statutes cited in the complaint and  
23 defendant contends that no purchases, even if true,  
24 violated any such statutes, that said purchases could, if  
25 true, violate said statutes and affirmatively asserts that



1 he never illegally received or intercepted DIRECTV's  
2 satellite transmissions at any time and that unless  
3 Plaintiff can provide evidence of actual interception, the  
4 case against defendant as to the statutory violations  
5 should be dismissed. Defendant requests a declaratory  
6 Judgment as to the fact that an affirmative showing of  
7 actual interception is required to satisfy the elements of  
8 the statutes plead by Plaintiff  
9  
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11 **WHEREFORE**, defendant prays that plaintiff takes nothing by  
12 reason of its Complaint, that judgment should be rendered  
13 in favor of defendant, and for such other and further  
14 relief as this court may deem proper.  
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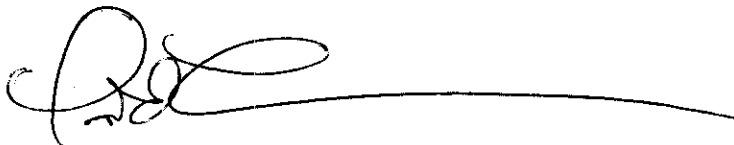
A handwritten signature in black ink, appearing to be 'D.L.', with a long horizontal line extending to the right.

21 Dated this 13th day of March,  
22 2004  
23  
24  
25

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing  
has been furnished via regular U.S. Mail to: John M McLaughlin  
MCLAUGHLIN SACKS, LLC  
31 Trumbull Road  
Northampton, MA 01060

this 13th day of March, 2004

A handwritten signature in black ink, appearing to read "Todd Farmer", with a long horizontal flourish extending to the right.

Todd Farmer PRO-SE  
203 Roosevelt RD  
Weymouth, MA 02188